DECL ATION FOR PATENT APPLICAN

Docket No. __A-1028___

below named inventor, I hereby declare that:

esidence post	office addre	ss and citizenship are as	stated below next to my name.			
ieve I am the w) of the subj	ect matter w	and sole inventor (if only o hich is daimed and for whi e specification of which	one name is listed below) or an ich a patent is sought on the in	original first and join vention entitled	t inventor (if plural TISSUE_MARKING	names are listed 3 DEVICE
ck one)		s attached hereto				
		was filed onSeptemb				
		as Application Serial No.	08/308.097	(if appl	irable)	
		and was amended on		,		
-ndment refer	ed to above.		contents of the above identified			
itte 37 Code	of Federal	Regulations, § 1.56.	nformation known to me to b			
reby claim for w and have a ch priority is o	also identified	benefits under Title 35, Ur il below any foreign applica	ited States Code, §119 of any ation for patent or inventor's cer	uncate having a min	y date below that	ntor's certificate listed of the application on
r Foreign Apr				Priority (Claimed []No	
(Number)		(Country)	(Day/Month/Year Filed)	[]Yes	[]No	
(Number)		(Country)	(Day/Month/Year Filed)	• • •	• •	
10.8			(Day/Month/Year Filed)	[]Yes	[]No	
:(Number)	1	(Country)	Code, §120 of any United State			
	ode, §112, I a Federal Req g date of this	acknowledge the duty to di gulations, §1.56 which bec s application.	Code, §120 of any Office State in the prior United States appli sclose to the Office all informat ame available between the filin	g date of the prior ap		
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and a	(Application		(Filing Date)	•	pending, abandoned)	
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plicant or Patentee: ial or Patent No .: of or Issued:

Foerster et al 08/308.097 16 September 1994

METHODS AND DEVICES FOR MARKING AND DEFINING TISSUE VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS

(37 CFR 1.9(f) & 1.27(e))-SMALL BUSINESS CONCERN

Docket No.: A-1028

reby declare that I am

ME OF DEDSON SIGNING

the owner of the small business concern identified below.

an official of the small business concern empowered to act on behalf of the concern identified below:

ME OF SMALL BUSINESS CONCERN

Biopsys Medical, Inc. 27130 A Paseo Espada, Suite 1424

DRESS OF SMALL BUSINESS CONCERN San Juan Capistrano, CA 92675

ereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced 37 CFR 1.9(d), for purposed of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the ocens including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business ocen is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power control the other, or a third party or parties controls or has the power to control both.

ereby; declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to METHODS AND DEVICES FOR MARKING AND DEFINING TISSUE invention, entitled: Seth A. Foerster, Fred H. Burbank, Mark A. Ritchart, and Elias A. Zerhouni inventor(s): scribed in the specification filed herewith

application serial no. 08/308,097, filed 16 September 1994 . issued

he rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the ention is listed below and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent entor-under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR (d), oca nonprofit organization under 37 CFR 1.9(e). "NOTE: Separate verified statements are required from each named person, concern or janization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

WE INDIVIDUAL [] SMALL BUSINESS CONCERN [] NONPROFIT ORGANIZATION DRESS INDIVIDUAL [] SMALL BUSINESS CONCERN [] NONPROFIT ORGANIZATION

Steven I. Gex

cknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer oropriate. (37 CFR 1.28(b))

ereby declare that all statement made herein of my own knowledge are true and that all statements made on information and belief are believed to true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or prisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of e application, any patent issuing thereon, or any patent to which this verified statement is directed.

TLE OF PERSON IF OTHER THAN OWNER	President
ODRESS OF PERSON SIGNING /	27130 A Paseo Espada, Suite 1424, San Juan Capistrano, CA 92675
CLIN	
GNATURE &	DATE X /0/4/14

ilicant or Patentee: ial or Patent No.: d or Issued: Foerster et al 08/308,097 16 September 1994

Docket No. A-1028

METHODS AND DEVICES FOR MARKING AND DEFINING TISSUE

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 C.F.R. 1.9(f) & 1.27(b))-INDEPENDENT INVENTOR

a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 C.F.R. 1.9(c) for purposes of paying used fees under section 41(a) and 0) of Title 55, United States Code, to the Patent and Trademark Office with regard to the invention tief. MPT-POS AND DEVICES FOR MARKING AND DEFINING INSSUE. described in

27130 A Paseo Espada, Suite 1424, San Juan Cadistrano, CA 92675	nt no	erial no. <u>08/,308.097</u> , fil	sued		
Sesign, grant, convey, or license any rights in the invention is listed below. To such person, concern, or organization X persons, concerns or organizations listed below X to the invention averaing to their status as small entities. (37 C.F.R. 1.27) X to the invention averaing to their status as small entities. (37 C.F.R. 1.27) X Eliopsys Medical, Inc. X S Eliopsys Medical, Inc. X S Eliopsys Medical, Inc. X S S S S S S S S S S S S S	ts in the e inventi ation und	invention to any person vi ion, or to any concern wh ler 37 C.F.R. 1.9(e).	who could not be classified as an indeper ich would not qualify as a small busines	s concern under 37 C.F.R. 1.9(d) or a	nonprofit
Persons, concerns or organizations listed below *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averning to their status as small entities. (37 C.F.R. 1.27) NAME Biggsrs Medical. Inc. 27130 A Paseo Espada. Suite 1424. San_han Capistrano. CA 92675. [] sonoux. [X] swill be usees colors [] NOMPORT ORGANIZATION NAME [] sonoux. [] swill assess colors [] NOMPORT ORGANIZATION [] SONOUX. [] SWILL BUSINESS COLORS [] NOMPORT ORGANIZATION [] SONOUX. [] SWILL BUSINESS COLORS [] NOMPORT ORGANIZATION [] SONOUX. [] SWILL BUSINESS COLORS [] NOMPORT ORGANIZATION [] SONOUX. [] SWILL BUSINESS COLORS [] NOMPORT ORGANIZATION [] SONOUX. [] SWILL BUSINESS COLORS [] NOMPORT ORGANIZATION [] SWILL BUSINESS COLORS [] NOMPORT ORGANIZA	ssign, gr	rant, convey, or license a	ny rights in the invention is listed below:		
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THA FOERSTER WIE OF INVAENTOR	FRED H. BURBANK NAME OF INVENTOR	MARK A. RITCHART NAME OF INVENTOR	PLIASA ZERHOUNI NAME OF INVENTOR
DA Frank	X Fred H. Burlante	x Chrea. Pitcher	John Stand
NATURE OF INVENTOR		SIGNATURE OF INVENTOR	SIGNATURE OF INVENTOR
10/13/94	x 10/13/94	x 10-13-94/	X 10-6-94
TE	DATE	DATE	DATE